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CONCORD, N.H.

Mr. James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

Dear Mr. Barry:

This is in reply to your letter of February 28, 1958, in which you requested our opinion as to whether or not election of Mrs. Doris Reney of Grantham, a case worker in your Claremont District Office, to the position of Grantham Town Treasurer would constitute a violation of the "Hatch Act". It is my understanding that the activities of the Department of Public Welfare are financed in part by grants from the United States.

Title 5 USCA § 118 k (a) prohibits certain political activity by officers and employees of any state or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any federal agency and especially provides in part that "no such officer or employee shall take any active part in political management or in political campaigns."

In its pamphlet 20, dated January, 1956, The United States Civil Service Commission, which is charged with the administration of the Hatch Act as it affects both federal and state employees, construed the above-quoted language to mean that:

"Candidacy for nomination or election to a national, state, county or municipal office is not permissible." Page 16.

In view of the unequivocal nature of the language last quoted it seems clear that election of Mrs. Reney as Grantham Town Treasurer would constitute a violation of the Hatch Act which in turn might, under the provisions of Title 5, USCA § 118 k (b), result in a loss of some portion of the grant made by the Federal Government to The State of New Hampshire for welfare purposes.

Mr. James J. Barry, Commissioner

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Inasmuch as the Hatch Act is a Federal Statute, I would further direct your attention to the fact that language not dissimilar from that contained in the Hatch Act is incorporated in section 7, Rule VIII of the Rules of the Division of Personnel of The State of New Hampshire which reads as follows:

"No employee of the departments receiving grants-in-aid from the Federal Government shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof, or soliciting funds therefor. Employees, while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns."

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GRH/lt

cc: Mrs. Doris Rency
Graham, N. H.

Roy Y. Lang, Director
Personnel Commission